THE HONOURABLE SRI JUSTICE G. CHANDRAIAH

W.P. No.9123 of 1997

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Date: 28-09-2007

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Between:

Greater Alwal Allied Service Association.

… Petitioner

And

The Director of Public Libraries
Government of A.P., Hyderabad and others.

… Respondents

ORDER:

This writ petition has been filed seeking a *Writ of Mandamus* to declare the inaction on the part of the respondents 1 and 2 in providing a library at Alwal,
as arbitrary and illegal and to direct the respondents to provide the same.

The case of the petitioner is that the Alwal area was initially under the Gram Panchayat and during the said period, a library was provided at Old Alwal to meet the needs of the then population and subsequently the Panchayat was upgraded as a Municipality in the year 1986, since the population had grown in geometrical proportions.
It is submitted that the residents of Alwal were not provided with a library and as such, the petitioner's Society had taken up the matter with the 1st respondent, Director of Public Libraries. The 1st respondent had initially requested the petitioner's Society to provide land for establishing the library. On a representation of the Society, the Municipal authorities had given a land of 666 square yards, which was initially allotted to the Youth Association for locating the library,
vide letter dated 19-11-1994. Subsequently, allotment of land was intimated to the 2nd respondent, Director, Grandhalaya Samastha, and there was no response from this respondent. Further it is

submitted that the petitioner has been making representations to the respondents 1 and 2 for providing the library and the respondents vide letter dated 19-07-1996 informed the petitioner that they are not in a position to open a new library due to imposition of ban and further it is also requested the petitioner's Society to establish aided libraries themselves. Though the Society had arranged the land, the respondents are shirking from their duties in providing library, and 8% of the tax payable to the 3rd respondent, is being collected towards library cess, without providing a library. It is also submitted that the refusal of establishing library is not only arbitrary but also illegal, as the respondents are collecting library cess. Therefore, the petitioner has come up with the present petition.

Counter affidavit has been filed by the 1st respondent and submitted that the department of Public Libraries has no objection to open another branch of library at Alwal, provided, ban on opening of such new libraries and creation of posts is lifted by the Government. As per the order dated 20-12-2006 of this Court, additional counter affidavit has been filed furnishing the data, as desired by this Court, and wherein it is submitted that the Government has convened a meeting on 19-10-2006 for reviewing the activities in the Department of Public Libraries. In the said meeting a decision has been taken that all the sanctioned posts be filled up on contract basis for the present and instructed the Director of Public Libraries to work out the monthly remuneration to be paid and the amount required in case of filling up of the vacancies on contract basis and to submit proposals to the Government for issue of necessary orders in matter by the Government. Accordingly, proposals were prepared and

submitted to the Government.

From a perusal of the counter affidavit goes to show that the respondents are taking necessary steps to fill up the posts and provide infrastructure for running public libraries and the matter is pending with the Government.

As the matter is pending with the Government and the respondents are trying to get necessary orders from the Government for establishing libraries, I feel it just and proper to dispose of the petition with a direction to the respondents

1 and 2 to consider the case of the petitioner for establishing library, since the land is already made available.

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

JUSTICE G. CHANDRAIAH

Date: 28-09-2007

LSK